

Fresno, California

March 10, 2011

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Oliver Baines III	Councilmember
	Andreas Borgeas	Councilmember
	Clinton Olivier	Acting Council President
	Sal Quintero	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Councilmember
	Lee Brand	Council President

Mark Scott, City Manager
Bruce Rudd, Assistant City Manager
Jim Sanchez, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Councilmember Baines gave the invocation and President Brand led the Pledge of Allegiance.

PROCLAMATION OF “MULTIPLE SCLEROSIS AWARENESS WEEK” – PRESIDENT BRAND

Read and presented.

PRESENTATION ON THE “FRESNO FOOD FESTIVAL” – DCR DEPARTMENT

Mayor Swearingin, Mark Ford, owner of J & D Food Service and Certified Meat Products, Mike Grazer, President of Brusetto Foods, and DCR Director Scharton gave the presentation on the food festival scheduled for March 11, 2011, which they stated would bring buyers and sellers together and promote the variety of food products produced in Fresno and the region.

APPROVE MINUTES OF MARCH 3, 2011:

On motion of Councilmember Quintero, seconded by Councilmember Xiong, duly carried, RESOLVED, the minutes of March 3, 2011, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Xiong congratulated (1) the Fresno Chapter of the California Restaurant Association on their Best of the Valley nominees and for the work they do; and (2) the Chamber of Commerce on their Valley Business Conference and Award Luncheon and award winners.

Councilmember Westerlund gave a brief update on the state’s vote on the potential elimination of RDAs stating the vote was to occur today but the Governor requested more time and he was still in discussions in his attempt to get the votes of two republican legislators.

APPROVE AGENDA:

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

(“G”) AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE RDA AND EDISON PLAZA PARTNERS, LP, FOR A MIXED-INCOME/MULTI-FAMILY HOUSING PROJECT SOUTH OF LORENA STREET AND WEST OF WALNUT STREET (JOINT action)

#1 JOINT RESOLUTION – APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE RDA AND EDISON PLAZA PARTNERS, LP, AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS AND MAKING CERTAIN FINDINGS

City Attorney Sanchez advised this item, which was acted upon on March 8th, was noticed as a public hearing for today and recommended the item be reopened to be consistent with the public notice and that Council take action to ratify the action taken on March 8th. Councilmember Borgeas left the meeting at 9:07 a.m.

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

(‘A’) JOINT RESOLUTION – MAKING CERTAIN FINDINGS PURSUANT TO CEQA AND COMMUNITY REDEVELOPMENT LAW, AND AUTHORIZING THE AGENCY’S CONSTRUCTION OF EAST AVENUE IMPROVEMENTS, RDA PROJECT NO. 39-392, LOCATED WITHIN THE SOUTH FRESNO INDUSTRIAL REVITALIZATION PROJECT AREA (UTILITY TRAILERS SALES OF CENTRAL CALIFORNIA, INC., EXPANSION)

#1 AWARD A CONTRACT IN THE AMOUNT OF \$441,936.30 TO B&B CONSTRUCTION SERVICES FOR THE EAST AVENUE IMPROVEMENT PROJECT (Agency action)

-and-

(‘B’) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION FOR DEMOLITION AND CLEARANCE OF BUILDINGS LOCATED AT VENTURA AND “M” STREETS IN THE CONVENTION CENTER REDEVELOPMENT AREA (2304-2316 VENTURA, AND 546-550 “M” STREET) (Agency action)

#1 AWARD A CONTRACT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE DEMOLITION PROJECT (Agency action)

-and-

(‘C’) AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO AN OWNER PARTICIPATION AGREEMENT (OPA) BETWEEN THE RDA AND HARRY R. BOYAJIAN AND DANIEL C. BOYAJIAN FOR APN 466-182-29 AND 40 IN THE FULTON REDEVELOPMENT PROJECT AREA (Agency action)

#1 AGENCY RESOLUTION – APPROVING WAIVERS TO THE CRITERIA FOR THE SELECTION OF OWNER PARTICIPANTS IN THE REDEVELOPMENT AREAS AND APPROVING AN OPA WITH HARRY R. BOYAJIAN AND DANIEL C. BOYAJIAN

-and-

(‘D’) JOINT RESOLUTION – APPROVING A REDEVELOPMENT GRANT AGREEMENT BETWEEN THE 21ST DISTRICT AGRICULTURAL ASSOCIATION, THE BIG FRESNO FAIR, AND THE REDEVELOPMENT AGENCY FOR GRANT FUNDS IN THE AMOUNT OF \$150,000, AND MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW TO HELP FUND IMPROVEMENTS BY THE BIG FRESNO FAIR ALONG KINGS CANYON ROAD

-and-

(‘E’) AGENCY RESOLUTION – AUTHORIZING DEPOSIT OF TAX-INCREMENT FUNDS INTO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE SOUTHEAST FRESNO REVITALIZATION PROJECT AREA

-and-

(‘F’) AGENCY RESOLUTION – AUTHORIZING DEPOSIT OF TAX INCREMENT FUNDS INTO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE SOUTHWEST FRESNO GNRA PROJECT AREA

-and-

(‘H’) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION FOR DEVELOPMENT OF A 19-UNIT MIXED-USE RESIDENTIAL PROJECT LOCATED AT 1608 BROADWAY STREET IN THE FULTON REDEVELOPMENT PROJECT AREA (Agency action)

#1 APPROVE AN OWNER PARTICIPATION AGREEMENT BETWEEN THE RDA AND FFDA, INC., FOR THE MIXED-USE RESIDENTIAL PROJECT (Agency action)

-and-

(‘I’) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION FOR DEVELOPMENT OF A 27-UNIT MIXED-USE RESIDENTIAL PROJECT LOCATED AT 1636-1660 BROADWAY STREET WITHIN THE FULTON REDEVELOPMENT PROJECT AREA (Agency action)

#1 APPROVE AN OWNER PARTICIPATION AGREEMENT BETWEEN THE RDA AND FFDA, INC., FOR DEVELOPMENT OF THE MIXED-USE RESIDENTIAL PROJECT (Agency action)

-and-

(‘J’) JOINT RESOLUTION – APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF FRESNO AND THE RDA, MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW, AND AUTHORIZING THE RDA TO REIMBURSE COSTS FOR INSTALLING VARIOUS PUBLIC IMPROVEMENTS LOCATED WITHIN OR OUTSIDE THE AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT AREA

-and-

(‘K’) AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH THE CITY OF FRESNO FOR APN 493-020-19 LOCATED WITHIN THE AIRPORT AREA REVITAIZATION REDEVELOPMENT PROJECT AREA, AND TAKE ALL OTHER NECESSARY ACTIONS (JOINT action)

#1 APPROVE A DEED OF TRUST AGAINST PROPERTY APN 493-202-19 IN FAVOR OF THE CITY OF FRESNO

-and-

(‘L’) AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT WITH SABB, INC., FOR APN 448-030-04 LOCATED WITHIN THE SOUTH VAN NESS INDUSTRIAL REVITALIZATION PROJECT AREA (Agency action)

-and-

(‘M’) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION FOR DEVELOPMENT OF A 62-UNIT MIXED-USE RESIDENTIAL PROJECT AT FULTON AND CALAVERAS STREETS CURRENTLY OWNED BY THE CITY OF FRESNO CULTURAL ARTS PROPERTIES (COFCAP) (Agency action)

#1 APPROVE AN OWNER PARTICIPATION AGREEMENT BETWEEN THE RDA AND FFDA PROPERTIES, LLC FOR DEVELOPMENT OF THE MIXED-USE RESIDENTIAL PROJECT (Agency action)

-and-

(‘N’) ACTIONS RELATING TO AGENCY FINANCING OF THE PROPOSED REHABILITATION OF THE FORMER HOTEL FRESNO BUILDING LOCATED AT 1263 BROADWAY PLAZA WITHIN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA (Agency actions)

#1 ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION FOR REHABILITATION OF THE FORMER HOTEL FRESNO INTO A 72-UNIT MIXED-USE, MIXED-INCOME DEVELOPMENT

#2 APPROVE AN OWNER PARTICIPATION AGREEMENT BETWEEN THE RDA AND HOTEL FRESNO, LLC FOR THE REHABILITATION PROJECT

-and-

(‘O’) JOINT RESOLUTION – AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN THE RDA AND THE CITY OF FRESNO FOR THE EXPENDITURE OF TAX INCREMENT FUNDS FOR SPECIFIED PUBLIC IMPROVEMENTS AND REDEVELOPMENT ACTIVITIES AND ADOPTING FINDINGS REQUIRED BY HEALTH AND SAFETY CODE SECTION 33445 (JOINT action)

The above Items ‘A’ through ‘F’ and ‘H’ through ‘O’ were removed from the agenda as they were acted upon/considered at a special joint meeting of the Council/Agency on March 8, 2011.

On motion of Councilmember Westerlund, seconded by President Brand, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Baines, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	Borgeas

ADOPT CONSENT CALENDAR:

(1-B) APPROVE APPOINTMENTS OF COUNCILMEMBER BAINES AND DEPUTY CITY MANAGER NICOLE ZIEBA TO THE FRESNO REGIONAL WORKFORCE INVESTMENT BOARD; REAPPOINTMENT OF KATHLEEN REYNA TO THE STREET IMPACT FEE APPEALS BOARD; AND REAPPOINTMENTS OF EDWARD HOWARD (AT-LARGE), JACK OSTERHAUS (AT-LARGE), AND RUSS WRIGHT (OWNER) TO THE MOBILE HOME RENT REVIEW AND STABILIZATION COMMISSION – MAYOR’S OFFICE

On motion of Councilmember Westerlund, seconded by President Brand, duly carried, RESOLVED, the above entitled Item ‘B’ hereby approved, by the following vote:

Ayes : Baines, Olivier, Quintero, Westerlund, Xiong, Brand
Noes : None
Absent : Borgeas

CONTESTED CONSENT CALENDAR:

(1-A) APPROVE A COUNCIL REPRESENTATIVE AND ALTERNATE TO THE SAN JOAQUIN VALLEY AIR BOARD – PRESIDENT BRAND

Councilmember Borgeas returned to the meeting at 9:10 a.m. President Brand and Councilmember Westerlund explained the rotational process for a seat on the board and past service by Councilmembers Perea and Sterling, and upon Councilmember Xiong's request for clarification City Attorney Sanchez recommended the matter be continued one week to allow staff to look into the process/requirements and provide a summary so Council can then take appropriate action. President Brand requested anyone interested in serving to let him know.

On motion of Councilmember Westerlund, seconded by Councilmember Xiong, duly carried, RESOLVED, Item **1-A** continued one week, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, Brand
Noes : None
Absent : None

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 9:13 a.m. and convened in joint session with the Redevelopment Agency.

(“G”) HEARING TO CONSIDER APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE REDEVELOPMENT AGENCY AND EDISON PLAZA PARTNERS, LP FOR A MIXED-INCOME MULTI-FAMILY HOUSING PROJECT SOUTH OF LORENA STREET AND WEST OF WALNUT STREET (JOINT action)

#1 JOINT RESOLUTION NO. 2011-41/1787 – APPROVING THE DDA BETWEEN THE RDA AND EDISON PLAZA PARTNERS, LP, AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS AND MAKING CERTAIN FINDINGS

Chair Westerlund announced the time had arrived to consider the issue, opened the hearing, and gave a brief overview of the issue including it being acted upon at a special meeting held March 8th which was scheduled because of an expected vote of the state legislature on the budget eliminating RDAs statewide.

Upon call, no one wished to be heard and Chair Westerlund closed the public hearing.

On motion of Councilmember Baines, seconded by Councilmember Quintero, duly carried, RESOLVED, joint action taken by the Council/Agency on March 8, 2011, adopting the above entitled Joint Resolution No. 2011-41/1787 hereby ratified, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, Brand
Noes : None
Absent : None

APPROVE AGENCY MINUTES OF MARH 3, 2011

On motion of Acting President Olivier, seconded by Chair Westerlund, duly carried, RESOVED, the Agency minutes of March 3, 2011, approved as submitted.

The joint bodies adjourned their meeting at 9:17 a.m. and the City Council reconvened in regular session.

(9:00 A.M. #1-A) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITY) FOR THE FRESNO AREA EXPRESS (FAX) BUS STOP MAINTENANCE AND REPAIR PROJECT
#1 AWARD A CONTRACT IN THE AMOUNT OF \$1,185,612.64 TO DAVE CHRISTIAN CONSTRUCTION COMPANY, INC., OF FRESNO FOR THE PROJECT

Transportation Director Hamm reviewed the issue and recommended approval, all as contained in the staff report as submitted, and responded to questions and comments of Councilmembers Quintero and Olivier relative to whether bus stops/benches/covers near high schools would be painted the school colors to instill pride as was done some years back **(2 – 0)**, status of the Chamber of Commerce’s project to place different monuments at bus stops, and if repair work would involve installing landing pads over surfaces that have buckled due to the weight of buses. A motion and second was made to approve staff’s recommendation. Councilmember Westerlund requested staff provide work locations to Council so members can respond to citizen calls that will come in when the street work starts.

On motion of Acting President Olivier, seconded by Councilmember Baines, duly carried, **RESOLVED**, the finding of a Categorical Exemption hereby adopted, and the subject contract for the FAX bus stop maintenance and repair project awarded to Dave Christian Construction Company, Inc., as recommended, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, Brand
Noes	:	None
Absent	:	None

(9:00 A.M. #1-B) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITY AND REPLACEMENT OR RECONSTRUCTION) FOR THE FRESNO AREA EXPRESS (FAX) BUS STOP SIGN UPGRADE PROJECT
#1 AWARD A CONTRACT IN THE AMOUNT OF \$423,905.00 TO CHRISP COMPANY OF FREMONT, CA FOR THE CONSTRUCTION PROJECT

Transportation Director Hamm reviewed the issue and recommended approval, all as contained in the staff report as submitted, and along with Public Works Director Weimiller, Purchasing Manager McDonald, ACM Rudd and City Attorney Sanchez responded to questions and/or concerns of Councilmembers Quintero and Baines relative to the contract going to an out of town company, if prevailing wage will be paid, if local labor will be used, concern with the unemployed and if the company can be required to use a certain percentage of local labor, numerous questions/concerns on Chrisp’s bid coming in 44% below the engineer’s estimate and how the company can be considered a “responsible bidder”, where Chrisp has indicated savings will be, when bids would expire, and desire to delay action to have staff provide an analysis/comparison on the engineer’s and Chrisp’s line items. Councilmember Baines made a motion to continue the matter one week to obtain an analysis, which was seconded by Councilmember Quintero.

Councilmember Westerlund stated he appreciated the questions Councilmember Baines asked and understood this was a new council member’s perspective but stated 44% below the engineer’s estimate was not unusual, bids in the past have come in even lower than that, engineers were not contractors, and this was a good contract and made a motion to approve staff’s recommendation. Councilmember Xiong spoke to local preference and federal requirements (with Mr. Rudd clarifying issues), and stated although he would support Councilmember Baines’ request for a continuance the issues of process and fairness were important to him and this company followed a set process and met guidelines. Councilmember Quintero stated the city was hurting and spoke to the need for the city to do all it can to help the unemployed and recommended the companies be asked if they will use local labor and the city assist companies by providing names/contacts to provide local jobs, with Mr. Rudd responding and expanding further on the city’s local preference ordinance and how outreach to local companies has been stepped up. Councilmember Westerlund commented additionally stating the bid price was irrelevant unless it is above normal, a contract was being entered into and Chrisp had a duty to perform, if their bid was lower it was because they found a way to deliver at that price, engineer’s estimates were very broad guidelines and not accurate, this was a good company and it was not incumbent upon council to question why they came in so low, and urged council move forward on the this matter as Chrisp followed the process prescribed by law. Councilmember Baines clarified his issue was not just about price stating a low bid could be an indicator of something else going on, reiterated his concern was how Chrisp arrived at a much lower price and he felt that needed to be looked into **(3 – 0)**, stated price was relevant as taxpayer money was at stake and

added if there was cheating to arrive at a price it was relevant and incumbent upon council to identify that and ensure it does not happen again, clarified he was not alleging at all that Chrisp cheated and his issue was how they came in so low, and requested support for his motion to look at all the bids to make sure the process was one of integrity. President Brand stated he knows how the process works as he has experienced it and expanded further on the issues of local preference and how prevailing wage escalates costs, and spoke to the issue of accountability stating performance bonds and checks and balances were in place.

On motion of Councilmember Baines, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Item 9:00 a.m. #1-B continued one week to allow staff to conduct an analysis/comparison of the bids, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, Brand
Noes	:	None
Absent	:	None

(9:00 A.M. #1-C) ADOPT FINDING OF A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITY) FOR THE DESIGN-BUILD OF AN EMISSION CONTROL SYSTEM, INCLUDING THE ADD ALTERNATE FOR A FIVE YEAR MAINTENANCE SERVICE AGREEMENT, FOR THE POWER GENERATION FACILITY AT THE FRESNO/CLOVIS WASTEWATER RECLAMATION FACILITY

#1 RESOLUTION NO. 2011-43 – 73RD AMENDMENT TO AAR 2010-138 APPROPRIATING \$291,400 FOR THE DESIGN-BUILD OF THE EMISSION CONTROL SYSTEM

#3 AWARD A CONTRACT TO R.F. MacDONALD CO. OF MODESTO, CA, IN THE AMOUNT OF \$1,211,384 FOR DESIGN, CONSTRUCTION AND MAINTENANCE OF THE EMISSION CONTROL SYSTEM

President Brand stated this matter was delayed one week at his request and thanked Assistant Public Utilities Director Hogg for meeting with him. Mr. Hogg reviewed the issue and recommended approval, all as contained in the staff report as submitted. President Brand added there were only two proposers and the competitor had a little more experience but stated a savings of \$400,000 by going with R.F. MacDonald was worth the gamble and made a motion to approve.

On motion of President Brand, seconded by Councilmember Baines, duly carried, RESOLVED, the finding of a CEQA Class 1, 2 and 3 Categorical Exemption hereby adopted, the above entitled Resolution No. 2011-43 hereby adopted, and the subject contract awarded to R.F. MacDonald Company as recommended, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, Brand
Noes	:	None
Absent	:	None

(9:00 A.M. #2) BILL NO. B-8 - BILL FOR INTRODUCTION AMENDING THE FRESNO MUNICIPAL CODE RELATING TO CONTRACTS NOT REQUIRING COMPETITIVE BIDDING – COUNCIL FINANCE & AUDIT COMMITTEE MEMBERS BORGEAS, BRAND AND XIONG

Councilmember Borgeas stated this was an amendment to the ordinance presented a few weeks ago and would clean up language, read the amendment into the record as submitted, stated the Mayor and City Manager were supportive of this amendment, and made a motion to introduce the ordinance bill, which was seconded by President Brand. Upon question of ACM Rudd Councilmember Borgeas clarified the difference between the past process and that being proposed process was a requirement for written determination/justification to sole source (prohibiting information being read into the record), along with a council vote on sole sourcing and another vote on the contract award.

On motion of Councilmember Borgeas, seconded by President Brand, duly carried, RESOLVED, the above entitled Bill No. B-8 introduced before the City Council and laid over, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, Brand
Noes	:	None
Absent	:	None

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL:

(‘A’) EXISTING LITIGATION – CASE NAMES:

#1 TOMMY ALLEN, ET AL. V. COF, ET AL. U.S. DISTRICT COURT CASE

#2 ROBERT NEVAREZ, ET AL., V. COF, ET AL., FRESNO COUNTY SUPERIOR COURT CASE

The City Council met in closed session in Room 2125 at the hour of 10:31 a.m. to consider the above matters and recessed for lunch thereafter.

LUNCH RECESS – 12:00 NOON – 1:30 P.M. Councilmember Baines was absent for the remainder of the meeting due to his daughter giving birth, and Councilmember Westerlund was absent due to a previous commitment.

(10:00 A.M. #1) HEARING ON REZONE APPLICATION NO. R-10-09 AND ENVIRONMENTAL FINDINGS FILED BY LAURO SI SO OF FAMILY DENTISTRY, SOUTHWEST CORNER OF THE W. OLIVE AND N. ADOLINE AVENUES INTERSECTION

#1 CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF CONFORMITY TO THE 2025 GENERAL PLAN MASTER EIR NO. 10130 AND THE MITIGATED NEGATIVE DECLARATION FOR P.A. A-09-02 (AIR QUALITY MND), PREPARED FOR E.A. NO. R-10-09/S-10-74

#2 BILL NO. B-9 - ORDINANCE NO. 2011-7 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-2-A TO C-5

President Brand announced the time had arrived to consider the issue and opened the hearing.

Planner Tackett advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Brand closed the hearing.

On motion of Councilmember Xiong, seconded by Acting President Olivier, duly carried, RESOLVED, the environmental finding of conformity prepared for the subject E.A. hereby adopted, and the above entitled Bill No. B-9 rezoning the property adopted as Ordinance No. 2011-7, by the following vote:

Ayes	:	Borgeas, Olivier, Quintero, Xiong, Brand
Noes	:	None
Absent	:	Baines, Westerlund

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-09-011 AND ENVIRONMENTAL ASSESSMENT NO. R-09-011/V-09-005, FILED BY HARBOUR & ASSOCIATES, ON BEHALF OF 2M DEVELOPMENT CORPORATION, SOUTHWEST CORNER OF E. TYLER AND N. GARDEN AVENUES

#1 CONSIDER AND APPROVE THE ENVIRONMENTAL FINDING OF CONFORMITY FOR E.A. R-09-011/V-09-005, DATED 12/17/10

#2 BILL NO. B-10 - ORDINANCE NO. 2011-8 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO R-1/cz

President Brand announced the time had arrived to consider the issue and opened the hearing.

Planner Trejo stated the staff report was complete and staff was available for questions.

Upon call no one wished to be heard and President Brand closed the hearing.

On motion of Acting President Olivier, seconded by Councilmember Quintero, duly carried, RESOLVED, the environmental finding of conformity for the subject E.A. hereby adopted, and the above entitled Bill No. B-10 rezoning the property adopted as Ordinance No. 2011-8, by the following vote:

Ayes : Borgeas, Olivier, Quintero, Xiong, Brand
Noes : None
Absent : Baines, Westerlund

(10:00 A.M. #2) HEARING ON THE 2011 WEED ABATEMENT PROGRAM AND INTRODUCTION OF ORDINANCE APPROVING THE PROGRAM

#1 BILL NO. B-11 - APPROVING PROCEDURES FOR THE ANNUAL 2011 WEED ABATEMENT PROGRAM

President Brand announced the time had arrived to consider the issue and opened the hearing.

Neighborhood Standards Specialist Flores gave an overview of the issue, all as contained in the staff report as submitted.

Upon call no one wished to be heard and President Brand closed the hearing.

Ms. Flores, Housing Program Supervisor Shubber and City Attorney Sanchez responded to questions and/or comments of Councilmembers Borgeas, Quintero and President Brand relative to notification to river bluff residents and policy incorporated into the weed abatement program, Councilmember Borgeas stating he would communicate through email with staff on the policy, if staff had received calls from property owners who might miss the deadline, request to keep District 5 office informed of calls received, if the penalty fees and method of collection were the same, and if this was a continuation of the existing program.

On motion of President Brand, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Bill No. B-11 introduced before the City Council and laid over, by the following vote:

Ayes : Borgeas, Olivier, Quintero, Xiong, Brand
Noes : None
Absent : Baines, Westerlund

UNSCHEDULED COMMUNICATION:

Upon call no one wished to be heard.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 1:42 p.m. having arrived and hearing no objection, President Brand declared the meeting adjourned.

Approved on the ____17th____ day of ____March____, 2011.

_____/s/____ ATTEST:_____/s/____
Lee Brand, Council President Yolanda Salazar, Assistant City Clerk